

UNITED STATES DISTRICT COURT

for the

Northern District of California

Keystone America, Inc. dba Jones and Lewis Clear Lake

Memorial Chapel

Third-Party Plaintiff

)

v.

)

Civil Action No. C07-03441 WDB

Mullare Murphy Funeral Home, Inc. a Colorado

Corporation, and ROES 1-100,

Third-Party Defendant

)

**Summons in a Civil Action  
ON THIRD PARTY COMPLAINT**

To: MULLARE MURPHY FUNERAL HOME

*Third Party (Defendant's name)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the ~~plaintiff's~~ attorney, whose name and address are:

LEWIS BRISBOIS BISGAARD & SMITH LLP

\Third Party Plaintiff's

ANDJE MOROVICH, ESQ. (SBN 251288)

One Sansome Street, Suite 1400

San Francisco, CA 94104

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Richard W. Wierking

Name of clerk of court

JESSIE MOSLEY

Deputy clerk's signature

Date: AUG - 8 2008

*(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)*

State of Colorado**RETURN OF SERVICE**County of Las Animas

I declare under oath that I served this summons, a copy of the complaint in this case, and a blank answer form, on the Defendant in Las Animas County, State of Colorado, on 8/11/08 (date), at 10:32 AM (time), at the following location: 335 East Main Street, Trinidad, CO 81082

by handing them to a person identified to me as the defendant, Thomas Murphy  
 by identifying these documents, offering to deliver them and then leaving them with a person identified to me as the defendant, \_\_\_\_\_, who refused service.  
 by leaving them at the defendant's usual place of abode with \_\_\_\_\_, a member of the defendant's family who is over the age of 18.  
 by leaving them at the defendant's usual place of business with \_\_\_\_\_, the defendant's secretary, bookkeeper or chief clerk.  
 by leaving them with \_\_\_\_\_, who as \_\_\_\_\_ (title) is authorized to receive service of process for the defendant.  
 by serving them as follows (other service permitted by CRCP 304): \_\_\_\_\_  
 I have made diligent efforts but have been unable to make personal service on the defendant and I have made service of the within summons, complaint and answer by posting a copy of them in a conspicuous place upon the premises described therein.  
 I am over the age of 18 years and am not interested in nor a party to this case.  
 I attempted to serve the defendant on \_\_\_\_\_ occasions but have not been able to locate the defendant. Return to the plaintiff is made on \_\_\_\_\_ (date).

8/12/08

Date \_\_\_\_\_

Signature

M. A. San Roman

B10648

Private Process Server  
 Sheriff, Las Animas County  
 Service: \$ \_\_\_\_\_ Mileage: \$ \_\_\_\_\_

Subscribed and sworn to before me on 8/12/08 (date).

My commission expires: 05/20/10

Notary Public

Melinda A San Roman

AO 440 (Rev. 03/08) Civil Summons

UNITED STATES DISTRICT COURT

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Civil Action No. C07-03441 WDB

Mullare Murphy Funeral Home, Inc. a Colorado

Corporation, and ROES I-100

Third-Party Defendant

v.

Summons in a Civil Action

ON THIRD PARTY COMPLAINT

To: MULLARE MURPHY FUNERAL HOME

Third Party (Defendant's name)

A lawsuit has been filed against you.

Within 10 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

LEWIS BRISBOIS BISGAARD & SMITH LLP \Third Party Plaintiff's

ANDJE MOROVICH, ESQ. (SBN) 251288

One Sansome Street, Suite 1400

San Francisco, CA 94104

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Richard W. Wleking

Name of clerk of court

JESSIE MOSLEY

Deputy clerk's signature

Date: AUG - 8 2008

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

1 HOWARD L. CHURCHILL, SB# 79872  
2 E-Mail: [churchill@lbbslaw.com](mailto:churchill@lbbslaw.com)  
3 ANDJE MOROVICH, SB# 251288  
4 E-Mail: [morovich@lbbslaw.com](mailto:morovich@lbbslaw.com)  
5 LEWIS BRISBOIS BISGAARD & SMITH LLP  
One Sansome Street Suite 1400  
San Francisco, California 94104  
Telephone: (415) 362-2580  
Facsimile: (415) 434-0882

6 Attorneys for KEYSTONE AMERICA, INC.dba  
JONES AND LEWIS CLEAR LAKE MEMORIAL CHAPEL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

26 COMES NOW Cross-Complainants KEYSTONE AMERICA, INC. dba JONES AND  
27 LEWIS CLEAR LAKE MEMORIAL CHAPEL ("Cross-Complainants"), who hereby complain  
28 and allege, as follows: